



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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November 19, 2001

Mr. Lawrence C. Evans
Chief, Regulatory Branch
Portland District
Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

USEPA SF



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Dear Mr. Evans:

The U.S. Fish and Wildlife Service (Service) has received the Port of Portland's biological assessments and your transmittal letter for the Terminals 2 and 5, Portland Harbor, maintenance dredging projects (Project). Your October 5, 2001, request for informal consultation on the Project's effects to bald eagles was received in our office on October 11, 2001. Your October 5, 2001, letter also requested formal conference on the Project's effects to the Southwestern Washington/Columbia River Distinct Population Segment (DPS) of coastal cutthroat trout. Numerous phone conversations occurred between our office and the Port of Portland, and the U.S. Army Corps of Engineers (Corps). The Port of Portland provided additional information via electronic mail and fax. In addition, we have previously commented on these proposed activities under our Fish and Wildlife Coordination Act authorities. This concurrence letter shall address the projects effects to bald eagle; we shall respond to your request for coastal cutthroat trout conferencing in a separate conference opinion.

Description of the Proposed Action

The biological assessments associated with the Project provide a full description of the proposed action, and are incorporated herein by reference. The Project consists of annual maintenance dredging, over a five year period, at Berths 203, 204, 205, and 206 (Terminal 2) and Berths 501, 502, and 503 (Terminal 5) (Corps permit application numbers 2001-00688 and 2001-00689, respectively). At both terminals and all berths, an environmental clamshell dredge bucket would be used to increase local water depths for ship access. Dredged materials would be placed in either a flatbed or bin barge for transport to the Port of Portland's Suttle Road Disposal Site; all



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barges would ensure, during loading, transportation, and unloading, full containment of dredge material and excess water. Sampling and analysis of sediments from Project locations would be conducted prior to dredging, using the Dredge Material Evaluation Framework (DMEF) for the Lower Columbia River Management Area. However, the Port has proposed to use the above protective dredging and barge transportation methods instead of inwater disposal, regardless of the DMEF analysis results. The dredged material would be offloaded at the Port's Suttle Road Dredged Material Rehandle Facility, dredged materials would be allowed to settle and separate into water and sediment fractions and, upon meeting Oregon Department of Environmental Quality standards, dredge sediments would be used as fill or disposal at offsite, upland locations. Water would either be reused within the Disposal Site, or returned to the Columbia River.

Several Best Management Practices (BMP) are proposed to minimize resuspension of sediments, and thereby reduce associated effects to listed species. These BMP's include: 1) use of an Environmental Clamshell dredge bucket that fully closes; 2) the dredge bucket is completely closed prior to lifting from the substrate; and 3) the dredge bucket is not overfilled or underfilled. These BMP's are linked to a Water Quality Monitoring Plan that outlines specific monitoring actions during dredging and rehandling activities. If monitoring indicates greater than anticipated turbidity levels from dredging operations, additional BMP's would be implemented, including: 1) check and repair bucket closure surfaces and containment; 2) decrease rate of dredging bucket retrieval; 3) pause the loaded bucket at the water surface; and 4) slow the bucket drop rate. In addition, the dredging activities will only occur during the Oregon Department of Fish and Wildlife's in-water work windows, which are July 1 - October 31, and December 1 - January 1.

Dredging at Terminal 2 would result in a depth of -20 feet at Berth 203, and -40 feet at Berths 204, 205, and 206. An additional two feet of overdraft would also be dredged at these locations. The annual amount of material to be removed from Terminal 2 area is estimated at up to 25,000 cubic yards (cy), and a total of 8.7 acres of river substrate would be disturbed. Dredging at Terminal 5 would result in a depth of -15 and -40 feet at Berth 501; -35 feet at Berth 502; and to -40 feet at Berth 503. An additional two feet of overdraft would also be dredged at these locations. The annual amount of material to be removed from Terminal 5 area is estimated at up to 8,000 cy, and a total of 13.5 acres of river substrate would be disturbed.

Species Account

Bald eagles were listed under the Endangered Species Act as an endangered species in the conterminous United States on March 6, 1967. The Pacific Northwest Management Unit of bald eagles were subsequently down-listed to threatened status on February 14, 1978. Bald eagles within this management unit have achieved most recovery goals for delisting. The main threat

factors to bald eagles, pertinent to this consultation, are disturbance of foraging birds and bioaccumulation of organochlorine pesticide residues.

Nesting behaviors typically begin in January, followed by egg laying and incubation from February to March. Young are reared throughout April, May, and June. Fledging occurs in July and August. Bald eagles are primarily predators but also opportunistic scavengers. Food items include fish, small mammals, waterfowl, and carrion.

One bald eagle nest is located approximately 5,000 feet from Terminal 5 (north end of Sauvie Island), another nest occurs approximately 7,500 feet from Terminal 5 (at Columbia and Willamette rivers' confluence in Washington State), and three additional bald eagle nests are located between 3 and 5 miles from the dredging site, and several more are located from 5-10 miles from the dredging sites. One nest is located within 4 miles of the Suttle Road Disposal Site, and three additional nests are located within 10 miles of this facility. Bald eagles could forage in areas around and downstream of dredge and rehandling activities, however, numerous high-quality foraging areas are adjacent to these nest sites.

Conclusion

The Service does not believe the dredging, transportation, or unloading activities will disturb foraging bald eagles. Dredging, transportation, and rehandling activities in the lower Willamette River could resuspend contaminated sediments into the water column, thus exposing fish and other aquatic organisms to contamination. These chemicals, especially PCBs and DDT compounds, can bioaccumulate and eventually impact bald eagle reproductive capacity. However, the Port of Portland has proposed several progressive methods to reduce or avoid resuspension of contaminants. The following are the major protective measures that reduce or avoid any potential Project-related impact to bald eagles:

- \$ Within the anticipated 5 year permit for dredging activities, DMEF testing and analysis will be conducted prior to each dredging event. Irregardless of future DMEF testing and determination that certain sediments are suitable for inwater disposal, the Port of Portland is proposing to carefully dredge, transport, and rehandle all dredge materials in a way the minimizes and/or avoids all resuspension of contaminated sediments.
- \$ Project BMP's have been designed to greatly reduce turbidity and resuspension of sediments.
- \$ A monitoring plan is proposed to ^{ensure ?} water quality thresholds are not exceeded. An annual report will also be provided.
- \$ All sediments and associated water will be placed in self-contained barges. No water or sediment shall be allowed to escape during barge loading, transport to the handling facility, or unloading.
- \$ Inwater work periods shall be used, which correspond to seasonal periods when the number of fish in the project area is naturally low. Fish are a primary food item of bald eagle, and serve as a source of contaminant bioaccumulation to bald eagles. Combined with reductions in sediment resuspension identified above, the few fish remaining in the action area would not serve a significant bioaccumulation risk to bald eagle.

Based on our review of the current status of bald eagle, the protective actions proposed above, and other information presented in the biological assessment, we concur with your determination that the proposed action is not likely to adversely affect bald eagles.

The Environmental Protection Agency and a team of cooperators is currently reviewing the DMEF. Upon completion of this review process, new sampling and evaluation protocols and impact thresholds may be established. This DMEF update may require a re-evaluation of the current Terminal 2 and 5 proposed action, and necessitate a reinitiation of this consultation. The requirements established under section 7(a)(2) and 7(c) of the Endangered Species Act, 1973, as amended (16 USC 1531 *et. seq.*), have been met, thereby concluding the consultation process for bald eagle. If you have any questions or need more information, please contact Doug Young, Fish and Wildlife Biologist, at (503) 231-6179.

→ Conservation Recommendation

1) It is important that contaminated materials (materials containing PCBs or DDT compounds) are not exposed and available to benthic or epibenthic organisms and other species as a result of either dredging down to a surface "layer" of contaminated material or due to resettling of contaminated suspended material after dredging. Surface sediment samples should be collected after dredging to verify that the surface is not contaminated with these chemicals. If these newly-exposed surface layers are contaminated with PCBs or DDT compounds, the Corps and Port of Portland should ensure these materials are not further released into the Willamette River. In addition, tissue samples (Oligochaete worms or Corbicula clams) should be collected and analyzed for DDT compounds and PCBs a few months after dredging, when recolonization occurs (at the dredge site and suitable reference area), to determine the bio-availability of these contaminants at the newly-exposed surface of the dredge site.

Sincerely,

Kemper M. McMaster
State Supervisor

cc: Padraic Quinn, Port of Portland, Portland, OR
Christy Fellas, NMFS, Portland, OR